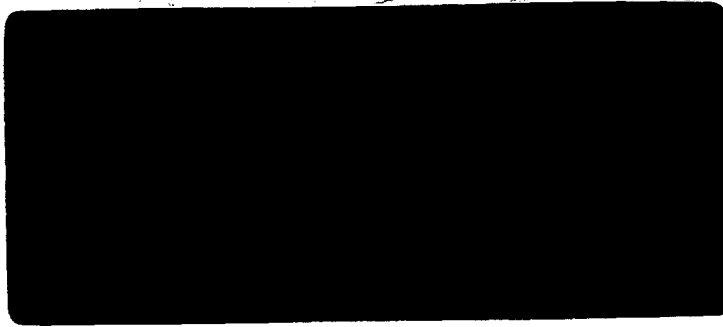


Task 57  
FY 1993

**FINAL PRODUCT** King William County  
**Land-Use Ordinance Revisions**



61 V8777-V571-7

**Proposed Revisions  
to the  
Subdivision  
Ordinance**

**King William County  
Virginia**

**Prepared by the  
King William County Planning Commission**

**October 1994**

**Technical assistance by  
PMA Consulting Services**



**This Subdivision Ordinance was funded, in part, by the Dept. of Environmental Quality's Coastal Resources Management Program through Grant #NA37O20360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended.**

## **SUBDIVISION ORDINANCE**

### **ARTICLE I. IN GENERAL**

Sec. 10-1. Violations otherwise specifically provided in this chapter, a violation of any provision of this chapter shall constitute a class 1 misdemeanor, as provided in Section 1-5.

**Secs. 10-2 -- 10-15. Reserved.**

### **ARTICLE II. SUBDIVISIONS\***

#### **DIVISION 1. GENERALLY**

**Sec. 10-16. Short title.**

This article shall be known and may be cited as the "King William County Subdivision Ordinance."

(Ord. of 6-12-85, § 1.1)

**Sec. 10-17. Rules of construction.**

The following general rules of construction shall apply to the regulations of this article:

- (1) The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
- (2) Words not defined in this article but defined in the county zoning ordinance shall be interpreted in accordance with the zoning ordinance definition.
- (3) Words and terms not defined in this article or in the county zoning ordinance shall be interpreted in accordance with their normal dictionary meaning and customary usage.

(Ord. of 6-12-85, § 10.1)

**Sec. 10-18. Definitions.**

For the purpose of this article, certain terms and words are hereby defined as follows:

**Agent:** The officer or agency or both of them designated by the board of supervisors to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the county.

**Alley:** A public or private way *less than thirty (30) feet in width and* affording secondary means of access to abutting property.

~~**Building line or building set-back line:** A line within a lot, so designated on a plat of subdivision, between which land and any lot line or the street line of any abutting street no building or structure may be erected.~~

**Building Setback line:** A line parallel to the front line of rectangular lots or, in the case of curved front lot lines, parallel to the chord of the curve, denoting the minimum distance by which any structure must be separated from the street right-of-way line. In the case of flag lots and irregularly shaped lots, the setback line shall be drawn on the plat in a position acceptable to the agent. In such cases, the setback line shall be perpendicular to the longer axis of the lot insofar as practicable.<sup>1</sup>

~~**Building setback:** The minimum distance that a building must be set back from a street or lot line as required by a building setback line so designated on a plat of subdivision. The building setback may be more but shall not be less than required in the zoning ordinance.~~

**Collector street:** Any state secondary highway designated as a major thoroughfare on the adopted major thoroughfares plan of the county, or any highway designated as a major or minor rural collector by the state department of transportation<sup>2</sup>, or a street in a proposed subdivision which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares, in addition to providing access to properties abutting thereon.

**Commission:** The ~~county~~ planning commission of King William County.

**Community sewage collection and treatment system:** A publicly or privately owned sewer system designed to serve more than one (1) dwelling unit or nonresidential structure, and which consists of collection and transmission lines, pumping stations if necessary, and a sewage treatment and disposal facility. Such system functions by transmission of sewage away from points of origin, collection and treatment of the sewage at a sewage treatment facility which is not located on any of the lots or parcels served by the system, and disposal or discharge of the treated effluent either on land or in surface waters.

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<sup>1</sup>This definition was formerly titled Setback Line and located under the "Ss" in this section. The same definition was added to the Zoning Ordinance replacing the existing definition.

<sup>2</sup>Throughout this ordinance, the name department of highways and transportation has been changed to its current name department of transportation.

**Community water supply system:** A publicly or privately owned water supply system designed to serve more than one (1) dwelling unit or nonresidential structure. Such system consists of a well or wells which are not located on any of the lots or parcels served by the system, pumps, transmission lines or mains, and storage tanks if necessary.

**Crosswalkway<sup>3</sup>:** A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

**Cul-de-sac:** A minor street having but one (1) end open for vehicular traffic and with the other end permanently terminated by a turnaround for vehicles.

**Easement:** An authorization by a property owner for use by another of any designated part of his property for one (1) or more specified purposes, which purposes are consistent with the general property rights of the owner.

**Health officer:** The health officer or sanitarian of the county.

**Intersection:** The area embraced within the prolongation of the lateral boundary lines of two (2) or more streets which join one another at an angle whether or not one such street crosses the other.

**Lot:** A numbered and recorded portion of a subdivision, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.<sup>4</sup>

**Lot area:** The total horizontal area within the lot lines of the lot.

**Lot, corner:** A lot abutting upon two (2) or more streets at their intersection where the interior angle of intersection is not greater than one hundred thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135) degrees. *A reversed corner lot is a corner lot that is turned, with reference to an adjoining lot, to front on another street.*<sup>5</sup>

*Lot, corner: A lot abutting upon two (2) or more streets at their intersection where the interior angle of intersection is not greater than one hundred thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135)*

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<sup>3</sup>This term is not used in this ordinance.

<sup>4</sup>A lot defined in a subdivision differs from a lot used in zoning. The latter may include regular subdivision lots, acreage parcels and sometimes may be an imaginary lot surrounding a building whenever more than one building is located on a single lot.

<sup>5</sup>The last sentence was added to make this definition consistent with the one in the Zoning Ordinance.

*degrees. (20)*

**Lot depth:** The average horizontal distance between the front and rear lot lines.

**Lot, double frontage:** A lot, other than a corner lot, which has frontage on two (2) streets.

**Lot line:** The boundary line of the lot.

*Lot line, front: The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.<sup>6</sup> For a flag lot the front yard shall be determined as in the definition of "Building Setback Line".*

*Lot line, rear: The lot line opposite and most distant from the front lot line.<sup>7</sup>*

*Lot line, side: Any lot line other than a front or rear lot line.<sup>8</sup>*

**Lot width:** The horizontal distance between the side lot lines measured at the required front building setback line.

**Minor street:** A street other than a major thoroughfare or collector street and intended primarily for providing low volume traffic access to abutting properties of limited number.

**On-site sewage disposal:** Treatment and disposal of sewage on the same lot or parcel on which the sewage is created, through means approved by the health official.

**On-site water supply:** A well, approved by the health official, located on the lot or parcel on which water supplied by such well will be consumed or used.

**Plat:** A map or plan of a tract or parcel of land which is to be, or which has been, subdivided. The word "plat" includes the words "map," "plan," "replat," "plot" and "replot." When used as a verb, "plat" is synonymous with "subdivide."

**Primary highway:** A highway designated as a state primary highway or U.S. highway by the adopted comprehensive plan of the County or by the state

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<sup>6</sup>From the Zoning Ordinance

<sup>7</sup>As used in the Zoning Ordinance.

<sup>8</sup>As used in the Zoning Ordinance.

department of transportation.<sup>9</sup>

**Property:** Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

**Regulations:** The whole body of regulations, text, charts, diagrams, notations and reference contained or referred to in this article.

**Resident engineer:** The resident engineer of the state department of transportation, located in Bowling Green, Virginia.

**Right-of-way:** The street right-of-way measured between lots at right angles from the street centerline.

**Roadway:** The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street or highway.

**Secondary highway:** A highway designated as a state secondary highway by the state department of transportation.

**Service drive:** A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

~~**Setback line:** A line parallel to the front line of rectangular lots or, in the case of curved front lot lines, parallel to the chord of the curve, denoting the minimum distance by which any structure must be separated from the street right-of-way line. In the case of flag lots and irregularly shaped lots, the setback line shall be drawn on the plat in a position acceptable to the agent. In such cases, the setback line shall be perpendicular to the longer axis of the lot insofar as practicable.<sup>10</sup>~~

**Street:** A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

**Street line (right-of-way line):** A dividing line between a lot, tract, or parcel of land and a contiguous street, and also referred to as a right-of-way-line.

**Street, major or major thoroughfare:** A street or road designated as a major thoroughfare (a U.S. highway, state primary highway or state secondary highway) on the adopted comprehensive plan of the county.

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<sup>9</sup>The added language makes the definition the same as in the Zoning Ordinance.

<sup>10</sup> This definition renamed **Building Setback Line** and moved forward.

**Street, private:** A private thoroughfare or easement of access established in accord with the terms of this article and which is not publicly owned or publicly maintained.

**Street, public:** A street designed and constructed in accordance with subdivision street standards of the state department of transportation and intended to be accepted into the department's secondary highway system, whether or not such acceptance has been granted.

**Street width:** The horizontal distance between street lines measured perpendicular to the street centerline.

**Subdivide:** To divide any lot, parcel or tract of land into two (2) or more parts. The term "subdivide" shall include the term "resubdivision," but shall not include a division or partition of land by a court of competent jurisdiction; a division for the sole purpose of rearranging or straightening a property line; a division for the purpose of conveying part of a lot or parcel of land to an adjoining lot or parcel, provided that if both lots currently meet the minimum area requirements of the zoning ordinance, neither shall be reduced in size below such minimum area requirements; or a division among legal heirs of a parcel, provided that such legal heirs retain title to all lots or smaller parcels so created and further provided that each part after the division meets the minimum area and dimension requirements of the zoning ordinance.

**Subdivider:** Any individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in this section, and including any agent of the subdivider.

**Subdivision:** The result of subdividing. A tract or parcel of land platted with contiguous lots, streets, public areas and easements, and containing provisions for drainage, utilities and other necessary facilities and services to serve residents. Unplatted and unnumbered remainders of a tract or parcel shall not be considered part of a subdivision.

*Cluster Subdivision: A subdivision establishing lots and parcels in a "Residential Cluster Development" as defined and regulated in the Zoning Ordinance.*

**Subdivision, major:** A subdivision with more than seven (7) lots. The term "major subdivision" shall include any subdivision of more than seven (7) lots which is designed and developed as a single unit, regardless of the number of owners and subdividers involved, or the number of parcels or tracts of land encompassed by the subdivision. The term "major subdivision" shall also include any subdivision which initially contains fewer than eight (8) lots, but which is intended to become a subdivision of more than seven (7) lots at some future time through additions.

Any proposed subdivision which standing alone would qualify as a minor



subdivision, but which will adjoin an existing minor subdivision (whether or not exempt from the requirements of Division 6) shall be classified as a major subdivision and shall meet all the requirements of this article pertaining thereto if the total number of lots in the two (2) subdivisions exceeds seven (7) and (1) the proposed minor subdivision will be created from the remainder of the tract or parcel of land from which the existing subdivision was created, irrespective of any change of ownership of such remainder since creation of the existing subdivision; (2) access to the proposed subdivision is through the existing minor subdivision; (3) the two (2) subdivisions have the same or similar names; or (4) the lot numbering system for the two (2) subdivisions suggests that the proposed subdivision is an expansion of the existing one.

*Subdivision, minor: A subdivision other than a major subdivision or a single-lot subdivision which has no more than seven (7) lots.*

**Subdivision, single-lot:** A subdivision with only one (1) lot, whether or not exempt from the requirements of Division 5.

**Tract:** One (1) or more parcels of land under the same ownership with at least one (1) boundary in common between parcels.

(Ord. of 6-12-85, § 10.2)

#### **Sec. 10-19. Enforcement; penalties.**

(a) No building permit shall be issued nor shall construction be authorized by the county on lands where a subdivision plat is required to be approved and recorded as provided in this article and no certificate of occupancy shall be issued until the compliance with this article and other applicable provisions regarding the use of any structure or land where a subdivision plat is required to be approved and recorded as provided in this article has been approved by the agent.

(b) The violation of any provision of this article shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or parcel of land subdivided or transferred or sold in violation thereof; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The county may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation of this article, in any court of competent jurisdiction.

(Ord. of 6-12-85, § 9.2)

**Sec. 10-20. Purpose.**

The general purpose of this article is to ensure the orderly subdivision and development of land in the county in furtherance of the goals and objectives of the comprehensive plan of the county. More specifically, it is intended to:

- (1) Protect public interests in subdivisions by ensuring permanence of development; making possible the safe, adequate and efficient provision of services to subdivision residents; preventing blight; protecting the tax base; and providing the county with clear and accurate descriptions and records of subdivided land for assessment purposes;
- (2) Guide and protect the investments of lot purchasers, home buyers and their mortgage lenders by providing standards for development, a graphic picture of the ultimate character of a subdivision, and accurate boundary lines; and
- (3) Protect the interest of subdividers by prohibiting improperly located subdivisions and discouraging competition from poorly designed or developed subdivisions.

(Ord. of 6-12-85, § 1.2)

**Sec. 10-21. Application and interpretation.**

This article shall apply to the unincorporated area of the county in the manner prescribed by law. In interpreting and applying the provisions of this article, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this article to interfere with, or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this article imposes a greater restriction upon the use of buildings or premises or imposes additional standards, or requires additional improvements or larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this article shall govern; further provided, that where there is or appears to be conflict between the provisions of this article and the zoning ordinance of the county, the provision of the zoning ordinance shall govern.

(Ord. of 6-12-85, § 1.3)

**Secs. 10-22 - 10-35. Reserved.**

**DIVISION 2. ADMINISTRATION**

**Sec. 10-36. Designation of agent.**

The agent, to whom responsibility for administration and enforcement of this article is delegated, shall be designated by resolution of the board of supervisors.

(Ord. of 6-12-85, § 2.1)

**Sec. 10-37. Duties of agent.**

The agent shall have the following duties:

- (1) To review and approve or disapprove plats and plans for single-lot subdivisions and minor subdivisions;
- (2) To conduct informal conferences with subdividers as provided in this article;
- (3) To assist the commission with evaluation of preliminary plats and plans for major subdivisions;
- (4) To review and approve or disapprove final plats and plans for major subdivisions after consideration of recommendations made by the commission during review of preliminary plats and plans;
- (5) To inspect installation of facilities and improvements in subdivisions;
- (6) To take such actions as are necessary, proper and legally permissible to prevent, terminate, remove or correct violations of this article;
- (7) To recommend to the commission and the board, as needed, amendments to this article.

(Ord. of 6-12-85. § 2.2)

**Sec. 10-38. Duties of commission.**

The commission shall have the following duties:

- (1) To review preliminary plats and plans for major subdivisions and to recommend changes to be incorporated in the final plats and plans thereof in order to insure compliance with the standards and requirements of this article;
- (2) To consider applications for variations in or exceptions to the requirements of this article as hereinafter provided.

(Ord. of 6-12-85, § 2.3)

**Sec. 10-39. Consultations.**

In the performance of their duties, the agent and the commission may call for advice on written decisions or opinions from other departments and agencies when evaluating subdivision plats and plans. This authority shall have particular reference to the resident engineer of the state department of transportation and to the health director of the county.

(Ord. of 6-12-85, § 2.4)

**Sec. 10-40. Inspections.**

The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed in accordance with the approved plat and the provisions of this article.

(Ord. of 6-12-85, § 9.1)

**Secs. 10-41 - 10-50. Reserved.**

**DIVISION 3. GENERAL REGULATIONS**

**Sec. 10-51. Mutual responsibility.**

The county and the subdivider share a mutual responsibility to divide land so as to improve the general use pattern of the land being subdivided.

(Ord. of 6-12-85, § 3.1)

**Sec. 10-52. Land suitability.**

(a) No subdivision shall be approved if adequate investigations by trained personnel determine that, due to soil, water table, topographic or other natural conditions, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.

(b) Wetlands, as defined in the state wetlands zoning act, or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life or property, or aggravate the flood hazard. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of floodwaters.

(c) A plat for the subdivision of land with poor drainage, excessive slope or other adverse physical conditions will be considered for approval only if the subdivider shall agree in writing to make whatever improvements are necessary, in the judgement of the agent, to render the land safe and otherwise acceptable for development.

(Ord. of 6-12-85, § 3.2)

**Sec. 10-53. Transfer of land; building permits.**

No parcel or lot of land in a subdivision as herein defined, created after the effective date of this article, shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any structure thereon, nor shall a certificate of occupancy for the use of any land or structure thereon be issued, until a plat of subdivision shall have been recorded with the clerk of the circuit court in accordance with the provisions of this article. For purposes of this article, the phrase "transferred, sold or offered for sale" shall include preparation and execution of a contract for purchase of land in a subdivision, and exchange of money or other valuables as a down payment or deposit on land in a subdivision, but shall not include general advertisement of the development of or future availability of lots in a subdivision, nor shall it include showing of the developing subdivision to prospective buyers by the subdivider or his agent.

(Ord. of 6-12-85, § 3.3)

**Sec. 10-54. Responsibility for improvements.**

All improvements and facilities required by this article shall be installed by the subdivider at his cost. No bond or other performance guarantee posted by the subdivider shall be released until construction has been completed, inspected and approved.

(Ord. of 6-12-85, § 3.4)

**Sec. 10-55. Fees.**

There shall be a charge for examination and processing of plats and inspection of subdivision improvements. No plat shall be reviewed or processed until the applicable fee established by the board has been paid by the subdivider.

(Ord. of 6-12-85, § 3.5)

**Sec. 10-56. Irregularities.**

In case of uncertainties or irregularities with reference to property lines, street or road right-of-way boundaries, easements or other features which may affect the preparation of a plat, the agent and subdivider shall apply the provisions of this article to the extent practicable, utilizing the best information available.

(Ord. of 6-12-85, § 3.6)

**Sec. 10-57. Existing subdivisions.**

Any subdivision, as defined herein, which was lawfully recorded in the office of the clerk of the circuit court of the county in the form of a plat of subdivision and/or deed prior to the effective date of this article shall be deemed to meet the requirements of this article. Any further division or resubdivision in any such subdivision after the effective date of this article shall, however, comply with all applicable provisions of this article.

(Ord. of 6-12-85, § 3.7)

**Sec. 10-58. Classification of certain subdivisions.**

In making a determination as to whether a subdivision is major or minor, as defined herein, the agent shall not consider any lots in such subdivision which were lawfully recorded by plat of subdivision and/or deed in the office of the clerk of the circuit court prior to the effective date of this article.

(Ord. of 6-12-85, § 3.8)

**Sec. 10-59. Division for sale or gift to immediate family members.**

A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be permitted, subject only to any express requirement contained in the Code of Virginia and to any requirement imposed by the board that all lots of less than five (5) acres have reasonable right-of-way of not less than ten (10) feet or more than twenty (20) feet providing ingress and egress to a dedicated recorded public street or thoroughfare. Only one (1) such division shall be allowed per family member, and shall not be for the purpose of circumventing this section. For the purpose of this section, a member of the immediate family is defined as any person who is a naturally or legally defined offspring, spouse or parent of the owner.

**Sec. 10-60. Responsibility for costs of sewerage and drainage facilities.**

(a) A subdivider or developer of land shall pay his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; however, no such payment shall be required until such time as the board or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the

subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of stormwater runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state.

(b) Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; however, in lieu of such payment the board may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

**Secs. 10-61 - 10-70. Reserved.**

#### **DIVISION 4. GENERAL PLATTING REQUIREMENTS**

**Sec. 10-71. Platting required.**

Any owner or proprietor who subdivides land in the unincorporated territory of the county shall comply with the requirements of this article for plat preparation, approval and recordation.

(Ord. of 6-12-85, § 4.1)

**Sec. 10-72. Approval required.**

No plat of any subdivision shall be recorded by the clerk of the circuit court or his deputies or employees unless and until it shall have been submitted to and approved by the agent.

(Ord. of 6-12-85, § 4.2)

**Sec. 10-73. Plat to be drawn by surveyor.**

~~Every preliminary and final~~ subdivision plat *which is intended for recording* shall be ~~drawn~~*prepared* by a *certified* professional engineer or land surveyor, duly licensed by the commonwealth *who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and*

*the place of record of the last instrument in the chain of title; when the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat. Provided, however, that nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of the land, city planners, architects, landscape architects, or others having training or experience in subdivision planning or design.<sup>11</sup>*

*The certified engineer or surveyor shall affix his seal to every final plat. All final plats intended for recordation shall comply with state library board regulations establishing standards for plats.*

(Ord. of 6-12-85, § 4.3; Ord. of 9-24-85, § 1)

**Sec. 10-74. Revision of plats.**

No change, erasure or revision shall be made on any plat, nor on accompanying plans or data sheets. after approval of the agent has been endorsed thereon, unless written authorization for such changes has been granted by the agent.

(Ord. of 6-12-85, § 4.4)

**Sec. 10-75. Development to be in accordance with approved plats and plans.**

Subdivision of land and installation or construction of required improvements shall be accomplished only in strict accordance with plats and plans approved by the agent. Any deviation from approved plats and plans shall be approved in writing in advance by the agent.

(Ord. of 6-12-85, § 4.5)

**Sec. 10-76. Relationship to comprehensive plan, zoning ordinance.**

The subdivision layout shall conform in all essential respects with the adopted thoroughfares plan and other elements of the adopted comprehensive plan for the county. The subdivision layout shall also comply fully with the provisions of the zoning district in which the subdivision is located, as well as other applicable provisions of the zoning ordinance, including any limitations on area, dimensions and number or location of lots.

(Ord. of 6-12-85, § 4.6)

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<sup>11</sup>The language added here brings this section into compliance with Section 15.1.476 of the Virginia Code, which requires only that the plat to be recorded be prepared by a certified engineer or surveyor.



**Sec. 10-77. Design principles.**

The subdivision layout shall be designed in accordance with the principles and standards contained in this article with the objective of achieving the most advantageous development of the subdivision and adjoining areas. Experimentation with new layout and design techniques is encourage and such designs as are approved under the zoning ordinance are permitted under these regulations controlling the subdivision of land.

(Ord. of 6-12-85, § 4.7)

**Sec. 10-78. Establishment of ownership.**

Only the legal owner, proprietor or trustee of property shall be entitled to submit a plat of subdivision and the agent may require satisfactory proof that the subdivider identified on the plat is in fact the owner, proprietor or trustee of the property shown on the plat.

(Ord. of 6-12-85, § 4.8)

**Secs. 10-79 - 10-90. Reserved.**

**DIVISION 5. SINGLE-LOT SUBDIVISIONS**

**Sec. 10-91. Intent.**

The provisions of this division shall apply to any subdivision consisting of only one (1) lot, except those exempted by section 10-92. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.

(Ord. of 6-12-85, § 5.1)

**Sec. 10-92. Exemption.**

The provisions of this division shall not apply to a single-lot subdivision with a lot area greater than two (2) acres and a lot width greater than two hundred (200) feet.

(Ord. of 6-12-85, § 5.2)

**Sec. 10-93. Access.**

A single-lot subdivision shall either abut a public road or have access to a public road via a deeded right-of-way not less than twenty-five (25) feet in width.

(Ord. of 6-12-85, § 5.3)

**Sec. 10-94. Platting requirements.**

The plat of a single-lot subdivision shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger, and shall show the following information:

- (1) Name of subdivision;
- (2) Date, scale and north arrow;
- (3) Boundaries, dimensions, bearings and area of the new lot;
- (4) Public road to which the lot has access;
- (5) Zoning district;
- (6) Surveyor's certificate (see section 10-176) and surveyor's seal;
- (7) Owner's consent statement (see section 10-177).

(Ord. of 6-12-85, § 5.4)

**Sec. 10-95. Plat approval.**

A minimum of three (3) copies of the plat of a single-lot subdivision shall be submitted to the agent or his designated representative, who shall immediately approve the plat for recordation if it meets the requirements of sections 10-93 and 10-94 above and the minimum lot size requirements of the zoning ordinance. If deficiencies are noted on the plat, it shall be marked disapproved and the reasons therefor shall be transmitted to the subdivider in writing.

(Ord. of 6-12-85, § 5.5)

**Secs. 10-96 - 10-105. Reserved.**

***DIVISION 6. MINOR SUBDIVISIONS<sup>12</sup>***

**Sec. 10-106. Intent.**

The requirements of this division are intended to be commensurate with the impact of small subdivisions on the areas in which they are located. Thus, the regulations focus on access, lot sizes, suitability of the land, abbreviated platting requirements and accelerated administrative processing.

(Ord. of 6-12-85, § 6.1)

**Sec. 10-107. Exemptions.**

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<sup>12</sup>This heading was omitted in the ordinance reviewed by PMA.

A minor subdivision, as defined herein, shall be exempt from the requirements of this division if every lot in the subdivision is five (5) acres or greater in area and if every lot either abuts an existing public road or is a flag lot with direct access to an existing public road.

(Ord. of 6-12-85, § 6.2)

**Sec. 10-108. Multiple single-lot subdivisions.**

Development of two (2) or more single-lot subdivisions, whether exempt from the requirements of division 5 or not, for the purpose of circumventing the requirements of this division pertaining to minor subdivisions shall not be permitted. Refer to the definition of "minor subdivision" in 10-18.

(Ord. of 6-12-85, § 6.3)

**Sec. 10-109. Improvements.**

Improvements in minor subdivisions shall be installed in accordance with provisions of sections 10-110 through 10-113.

**Sec. 10-110. Streets.**

- (a) **Generally.** Every lot in a minor subdivision shall abut a public or private street which meets the standards set forth in this division.
- (b) **Standards.** All new public and private streets in minor subdivisions shall comply with the following standards:
  - (1) **Alignment and layout.** The arrangement of streets in new subdivisions shall make provision for continuation of existing streets in adjoining areas. Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient access to it. Where in the opinion of the agent it is necessary to provide for street access to adjoining property, proposed streets shall be extended to the boundary of the property. Half streets along the boundary of land proposed for subdivision shall not be permitted. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.

- (2) **Design standards and specifications.** The location, alignment, grade, width and drainage of all streets and roads shall comply with the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements on file in the office of the agent and applicable specifications of the state department of transportation, and shall substantially correspond to existing and planned streets insofar as topographical conditions, public convenience and safety, and the proposed uses of land to be served will permit.
- (3) **Minor residential streets.** Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
- (4) **Street intersections.** Streets shall be laid out to intersect one another at as near right angles as topography and the limiting factors of design will permit, and no street shall intersect another street at an angle of less than seventy (70) degrees for a minor street or eighty (80) degrees for an arterial thoroughfare.
- (5) **Reduction of traffic impacts.** Where the subdivision adjoins or contains a U.S. highway or state primary highway as designated on the major thoroughfare plan, the agent may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such thoroughfare and to afford separation of through and local traffic, through one (1) of the following means:
  - a. By providing vehicular access to such lots by means of a service drive separated from the highway by a planting strip at least thirty (30) feet in width and connecting therewith at infrequent intervals;
  - b. By designing reverse frontage lots having access only from a parallel minor street or from a cul-de-sac or loop street, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the agent, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

- (6) **Cul-de-sacs.** Minor terminal streets (cul-de-sacs) designed to have one (1) end permanently closed shall be no longer than five hundred (500) feet to the beginning of the turnaround. Each cul-de-sac must terminate

in a turnaround of not less than one hundred (100) feet in diameter.

- (7) **Alleys.** Alleys shall be provided in business, commercial and industrial areas, unless adequate access to parking and loading areas is provided by other means. Alleys shall not be permitted in residential areas except to provide rear access to attached dwellings or multiple dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements shall be provided for utility lines or drainage facilities.
- (8) **Intersections.** Each property corner at street intersections shall be rounded by an arc, the radius of which shall be not less than twenty (20) feet. Curbs at street intersections shall be rounded concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within the approaching the intersection.
- (9) **Sight distance.** Street intersections shall be located so that the intersection will be clearly visible from a driver eye height of three (3) feet nine (9) inches at a distance of at least five hundred fifty (550) feet on a U.S. highway, state primary highway or state secondary highway designated as a major thoroughfare on the comprehensive plan of the county.
- (10) **Spacing of access generally.** In order to reduce traffic hazards on major thoroughfares, points of intersections of subdivision streets, whether public or private, with major thoroughfares, including scenic roads, so designated on the comprehensive plan of the county and located in that part of the county not designated for urban or suburban character on such plan, shall be located directly opposite one another or shall not be located closer to one another than one thousand (1,000) feet.
- (c) **Public streets.** New public streets in minor subdivisions shall be constructed in accordance with the following standards:
  - (1) **General design and construction.** All streets intended to be public in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards published by the state department of transportation. Streets so designed and constructed shall be recommended by the county for acceptance into the secondary highway system of the state department of transportation.
  - (2) **Right of access.** Anyone who subdivides land shall provide right of access to public streets of sufficient width to meet the minimum

requirements of the state department of transportation.

- (3) **Right-of-way widths.** Right-of-way widths for major thoroughfares, U. S. highways and state primary highways shall be as designated in the major thoroughfares plan, and in accordance with the current standards of the state department of transportation.

Right-of-way widths for other street types shall be not less than eighty (80) feet for state secondary highways designated on the plan as collector streets; sixty (60) feet for minor streets in other residential areas; and sixteen (16) feet for alleys.

Under special design conditions approved as part of a site plan, special exception or conditional use under the zoning ordinance, or in the case of a short street section with minimum traffic service requirements, the right-of-way for minor residential streets may be reduced, but in no case to less than forty (40) feet and provided that the agent may require a minimum right-of-way of fifty (50) feet to insure continuity of the street system and appropriate future subdivision of adjacent properties.

- (4) **Roadway widths.** Roadway widths (driving surfaces) for major thoroughfares shall be not less than the minimum specified by the state department of transportation or the major thoroughfares plan, but in any case not less than twenty (20) feet. Generally the roadway widths for streets shall not be less than the following:
- a. Collector streets, and minor streets in multiple-family residential, commercial and industrial areas, thirty-six (36) feet paved, including curbs and gutters, where provided, except that collector streets serving single-family residential lots of one (1) acre or more may with the approval of the agent have a minimum paved roadway width of twenty (20) feet;
  - b. Minor streets in single-family residential areas, and service drives, twenty-four (24) feet paved, including curbs and gutters, where provided, except that streets serving lots of one (1) acre or more may with the approval of the agent have a minimum paved roadway width of twenty (20) feet;
  - c. Alleys, sixteen (16) feet paved.
- (5) **Street grades.** Street grades shall not be less than 0.25 percent or greater than ten (10) percent.
- (6) **Curvature.** The radius of curvature on the centerline shall be not less than four hundred (400) feet for arterial thoroughfares, three hundred

(300) feet for collector streets and one hundred twenty-five (125) feet for minor streets, service drives and alleys. Between reversed curves either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one-hundred (100) feet in length.

- (7) **Scenic roads.** Where an existing or proposed street or roadway is designated as a scenic road or byway on the comprehensive plan, of which the major thoroughfares plan is a part, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in design and development of an adjacent subdivision including, but not limited to, such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design and due care with respect to location and design of access points.
- (8) **Maintenance.** The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of the state department of transportation. The subdivider or developer shall furnish to the county a maintenance and indemnifying bond with surety satisfactory to the board of ~~subdividers~~<sup>supervisors</sup><sup>13</sup>, in an amount sufficient for and conditioned upon the maintenance of public streets until such times as they are accepted into the state highway system.
- (d) **Private streets.** New private streets in minor subdivisions shall be constructed in accordance with the following standards:
  - (1) **Specifications.** All points of ingress/egress of a minor subdivision with private streets shall be to/from public streets. Private streets shall have a minimum right-of-way width of fifty (50) feet and a minimum roadway (driving surface) width of twenty (20) feet. Roadways shall be of all-weather construction. Driving surfaces shall consist of sandy clay base material compacted to a depth of not less than six (6) inches, covered with at the subdivider's option, at least two (2) inches of crushed stone, or tar and gravel, or asphalt.
  - (2) **Identification.** The subdivider shall clearly distinguish private streets on the plat. He shall also post at the entrance to every private street a sign, approved as to design by the agent, indicating that the street is private. Such sign shall be of permanent construction and shall be placed so as to be readily visible to motorists.
  - (3) **Maintenance.** The subdivider shall make and have approved by the

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<sup>13</sup>Typographical correction.



agent adequate arrangements for perpetual maintenance of all private streets within the subdivision. The following statement shall be included on the plat of a minor subdivision with private streets: "Neither King William County nor the Virginia Department of Transportation shall be responsible for repair, maintenance or clearing of private streets in this subdivision."

(Ord. of 6-12-85, § 6.4-A)

**Sec. 10-111. Lots.**

- (a) **Generally.** Lots in minor subdivisions shall comply with the requirements of this section.
- (b) **Lot arrangement.** The lot arrangement, design and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- (c) **Remnants.** Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract, shall be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- (d) **Flag lots.** Every lot shall abut upon, and have access to, a street or road as herein defined. Where so-called "flag lots" or "panhandle lots" are utilized to provide common access points and minimize street construction, the number of adjacent and parallel narrow lot sections or accessways shall be limited to no more than two (2) so as not to create an unreasonable potential for confusion and dispute with respect to boundary locations. The length of such accessways shall be related to proposed lot size but generally shall be limited to no more than one thousand two hundred (1,200) feet. Width of accessways shall not at any point be less than required minimum street frontage.
- (e) **Separate ownership.** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and where the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. The deed shall be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and both shall then be recorded together.
- (f) **Suitability for sewage disposal.** If on-site disposal systems are to be

utilized in a minor subdivision, the plat shall not be approved unless the health official affixes his signature to a statement on the plat to the effect that the lots are generally suitable for the installation of such on-site systems.

(Ord. of 6-12-85, § 6.4-B)

**Sec. 10-112. Easements.**

- (a) **Generally.** Easements in minor subdivisions shall be reserved as indicated in this section.
- (b) **Required.** Where alleys are not provided in appropriate locations, easements of not less than fifteen (15) feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot line or across lots where necessary for the extension of trunk sewers or other primary utility lines.
- (c) **Drainage easements.** Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways, in accordance with standards established by the county.

- (d) **Utilities.** All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

(Ord. of 6-12-85, § 6.4-C)

**Sec. 10-113. Monuments.**

All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter or iron rod not less than one-half inch in diameter, and not less than twenty-four (24) inches long and driven so as to be flush with the finished grade.

(Ord. of 6-12-85, § 6.4-D)

**Sec. 10-114. Platting requirements and procedures.**

- (a) **Generally.** The subdivider shall comply with the platting requirements and procedures set forth in this section.
- (b) **Plat details.** The plat for a minor subdivision shall consist of a survey drawn to scale of one (1) inch equals one hundred (100) feet or larger and shall include the following information:
  - (1) Name of subdivision;
  - (2) Date, scale and north arrow;
  - (3) Vicinity map;
  - (4) Surveyor's certificate (shown in section 10-176) and surveyor's seal;
  - (5) Owner's consent statement (shown in section 10-177);
  - (6) Zoning district;
  - (7) Layout, bearings and dimensions of boundaries, numbers and area (exclusive of easements for private streets) of new lots;
  - (8) Layout and width of new and existing public and private streets;
  - (9) Any other information required by this article to be included on the plat;

(10) Signature and date lines for the health official and agent.

**(c) Submission and approval.** If no new public streets are to be constructed at least five (5) blue or black line prints of the plat shall be submitted to the agent, who shall immediately forward four (4) copies to the health official. The health official shall, within ten (10) working days of receipt of the plat, indicate thereon whether or not the lots are generally suitable for installation of on-site sewage disposal systems and then return three (3) copies to the agent. The agent shall then, within five (5) working days, either approve or disapprove the plat for recordation. In case of disapproval, the agent shall notify the subdivider in writing of the reasons for disapproval and the actions necessary to bring the plat into compliance with this article.

If new public streets are to be constructed, at least seven (7) blue or black line prints of the plat and at least five (5) blue or black line prints of road construction plans and specifications required by the state department of transportation shall be submitted to the agent who shall immediately forward six (6) copies of the plat to the health official. The health official shall, within ten (10) working days of receipt of the plat, indicate thereon whether or not the lots are generally suitable for installation of on-site sewage disposal systems and then return five (5) copies to the agent. The agent shall then immediately forward five (5) copies of the plat and four (4) copies of the road construction plans and specifications to the resident engineer of the department of transportation. The resident engineer shall indicate approval or disapproval of the roads on the plat and plans and return three (3) copies of the plat and two (2) copies of the road plans to the agent. The agent shall either approve or disapprove the plat within five (5) working days of receipt from the resident engineer. In the case of disapproval, the agent shall notify the subdivider in writing of the reasons therefore and the actions necessary to bring the plat into compliance with this article.

Two (2) copies of a soils report prepared by a professional soil scientist shall accompany plat submission. One (1) copy shall be forwarded by the agent to the health official. The soils report shall comply with the requirements of the state board of health sewage handling and disposal regulations.

In no case shall the agent approve or disapprove a minor subdivision plat later than sixty (60) days after official submission by the subdivider.

**(d) Performance guarantee.** Prior to recordation of the final plat, the subdivider shall file with the agent a performance guarantee to ensure that improvements required by this article or proposed by the subdivider are installed in accordance with approved plats and plans. Such guarantee shall either be (1) a certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the county attorney and sufficient to

cover the cost of all improvements as estimated by the agent, furnished by the subdivider; or (2) evidence of the existence of agreements between the subdivider and a qualified contractor for the installation and completion of the improvements and the contractor's

performance bond with surety for the benefit of the county and the subdivider, and satisfactory to the county attorney, in an amount to cover the cost of all improvements as estimated by the agent.

Within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed by this article, the agent shall either grant a periodic partial or final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section, or notify the subdivider or developer in writing of nonreceipt of approval by applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures. If no such action is taken by the agent within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail, return receipt, to the county administrator. The agent shall act within ten (10) working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider or developer. The agent shall not refuse to make a periodic partial or final complete release of a bond, escrow, letter of credit or other performance guarantee for any reason not directly related to specified defects in construction of the facilities covered by such bond, escrow, letter of credit or other performance guarantee.

Upon written request by the subdivider or developer, the agent shall be required to make periodic partial releases of such bond, escrow, letter of credit or other performance guarantee in a cumulative amount equal to eighty (80) percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the agent or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" is deemed to mean when such public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

For the purposes of this section a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to section 54-17.1 of the Code of Virginia or from a department or agency designated by the agent may be accepted without requiring further inspection of such facilities.

(e) Recordation of plat. The subdivider shall record the approved plat within sixty (60) days after final approval by the agent. If he fails to do so, the agent shall

withdraw approval by marking the plat "VOID" and so notifying the subdivider and clerk of the circuit court in writing.

(Ord. of 6-12-85, § 6.5; Ord. of 9-24-85, § 2, 3)

**Secs. 10-115 - 10-125. Reserved.**

## **DIVISION 7. MAJOR SUBDIVISIONS**

### **Sec. 10-126. Intent.**

Major subdivisions will have greater impact on the environment, highways and surrounding communities than will smaller subdivisions. Therefore, more stringent design standards and approval procedures are required for major subdivisions. It is the intent of this division to ensure that major subdivisions become assets rather than burdens to the county.

(Ord. of 6-12-85, § 7.1)

### **Sec. 10-127. Multiple minor subdivisions.**

Development of two (2) or more adjoining minor subdivisions, whether exempt from the requirements of Division 6 or not, for the purpose of circumventing the requirements of this division pertaining to major subdivisions shall not be permitted. Refer to the definition of "major subdivision" in section 10-18.

(Ord. of 6-12-85, § 7.2)

### **Sec. 10-128. Improvements generally.**

Improvements in major subdivisions shall be constructed in accordance with the provisions of sections 10-129 through 10-136.

(Ord. of 6-12-85, § 7.3)

### **Sec. 10-129. Streets.**

(a) **Generally.** Every lot in a major subdivision shall abut a new or existing public street which meets the standards set forth in this section. Ingress/egress for major subdivisions shall be directly to/from a public street.

(b) **Alignment and layout.** The arrangement of streets in new subdivisions shall make provision for continuation of existing streets in adjoining areas. Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient

access to it. Where in the opinion of the agent it is necessary to provide for street access to adjoining property, proposed streets shall be extended to the boundary of the property. Half streets along the boundary of land proposed for subdivision shall not be permitted. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.

(c) **Design standards and specifications.** The location, alignment, grade, width and drainage of all streets and roads shall comply with the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements on file in the office of the agent and applicable specifications of the state department of transportation, and shall substantially correspond to existing and planned streets insofar as topographical conditions, public convenience and safety, and the proposed uses of land to be served will permit.

(d) **Spacing.** Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.

(e) **Minor residential streets.** Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.

(f) **Street intersections.** Streets shall be laid out to intersect one another at as near right angles as topography and the limiting factors of design will permit, and no street shall intersect another street at an angle of less than seventy (70) degrees for a minor street or eighty (80) degrees for an arterial thoroughfare.

(g) **Reduction of traffic impacts.** Where the subdivision adjoins or contains a U.S. highway or state primary highway as designated on the major thoroughfare plan, the agent may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such thoroughfare and to afford separation of through and local traffic, through one of the following means:

- (1) By providing vehicular access to such lots by means of a service drive separated from the highway by a planting strip at least thirty (30) feet in width and connecting therewith at frequent intervals;
- (2) By designing reverse frontage lots having access only from a parallel minor street or from a cul-de-sac or loop street, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.



The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the agent, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

(h) **Cul-de-sacs.** Minor terminal streets (cul-de-sacs) designed to have one (1) end permanently closed shall be no longer than one thousand two hundred (1,200) feet to the beginning of the turnaround. Each cul-de-sac must terminate in a turnaround of not less than one hundred (100) in diameter.

(i) **Alleys.** Alleys shall be provided in business, commercial and industrial areas, unless adequate access to parking and loading area is provided by other means. Alleys shall not be permitted in residential areas except to provide access to attached dwellings or multiple dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements shall be provided for utility lines or drainage facilities.

(j) **Property, curbs at intersections.** Each property corner at street intersections shall be rounded by an arc, the radius of which shall be not less than twenty (20) feet. Curbs at street intersections shall be rounded concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

(k) **Sight distance.** Street intersections shall be located so that the intersection will be clearly visible from a driver eye height of three (3) feet nine (9) inches at a distance of at least five hundred fifty (550) feet on a U.S. highway, state primary highway or state secondary highway designated as a major thoroughfare on the comprehensive plan of the county.

(l) **Spacing of access generally.** In order to reduce traffic hazard on major thoroughfares, points of intersections of subdivision streets, whether public or private, with major thoroughfares, including scenic roads, so designated on the comprehensive plan of the county and located in that part of the county not designated for urban or suburban character on such plan, shall be located directly opposite one another or shall not be located closer to one another than one thousand (1,000) feet. The street or common driveway serving not more than seven (7) clustered lots shall not be counted as a point of intersection for the purpose of this regulation.

(m) **Right of access.** Anyone who subdivides land shall provide right of access to public streets of sufficient width to meet the minimum requirements of the state department of transportation. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the county or an agency of the state or federal government.

(n) **Scenic roads.** Where an existing or proposed street or roadway is designated as a scenic road or byway on the comprehensive plan, of which the major thoroughfare plan is a part, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in the design and development of an adjacent subdivision, including but not limited to such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, and due care with respect to location and design of access points.

(o) **Street grades.** Street grades shall not be less than 0.25 percent or greater than ten (10) percent.

(p) **Curvature.** The radius of curvature on the centerline shall be not less than four hundred (400) feet for arterial thoroughfares, three hundred (300) for collector streets, and one hundred twenty-five (125) feet for minor streets, service drives and alleys. Between reversed curves either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one hundred (100) feet in length.

(q) **Public streets.** All streets intended to be public in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards published by the state department of transportation. Streets so designed and constructed shall be recommended by the county for inclusion in the state highway system.

(r) **Right-of-way widths.** Right-of-way widths for major thoroughfares, U.S. highways and state primary highways shall be as designated in the major thoroughfares plan, and in accordance with the current standards of the state department of transportation.

Right-of-way widths for other street types shall be not less than eighty (80) feet for state secondary highways designated on the plan as collector streets; sixty (60) feet for minor streets in multiple-family residential, commercial and industrial areas; fifty (50) feet for minor streets in other residential areas; and sixteen (16) feet for alleys.

Under special design conditions approved as a part of a site plan, special exception or conditional use under the zoning ordinance, or in the case of a short street section with minimum traffic service requirements, the right-of-way for minor residential streets may be reduced, but in no case to less than forty (40) feet and provided that the agent may require a minimum right-of-way of fifty (50) feet to insure continuity of the street system and appropriate future subdivision of adjacent properties.

(s) **Roadway widths.** Roadway widths for major thoroughfares shall be not less than the minimum specified by the state department of transportation or the major thoroughfares plan, but in any case not less than twenty (20) feet. Generally, the roadway widths for streets shall not be less than the following:

- (1) Collector streets, and minor streets in multiple-family residential, commercial and industrial areas; thirty-six (36) feet paved, including curbs and gutters, where provided, except that collector streets serving single-family residential lots of one (1) acre or more may, with the approval of the agent, have a minimum roadway width of twenty (20) feet;
- (2) Minor streets in single-family residential areas, and service drives, twenty-four (24) feet paved, including curbs and gutters, where

provided, except that streets serving lots of one or more may, with the approval of the agent, have a minimum paved roadway width of twenty (20) feet;

(3) Alleys, sixteen (16) feet paved.

(t) Maintenance of public streets. The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of the state department of transportation. The subdivider or developer shall furnish to the county a maintenance and indemnifying bond with surety satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the maintenance of public streets until such time as they shall be reviewed at the end of each twelve-month period and at such times the agent may require that the amount of the bond be increased to cover inflated maintenance costs.

(u) Street names. Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on all plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the board.

(v) Street signs. Street identification signs of a design approved by the agent shall be installed at all intersections.

(w) Construction of utilities. All utilities constructed in or on right-of-way public streets shall comply with the current land use permit manual of the state department of transportation.

(Ord. of 6-12-85, § 7.3-A)

#### **Sec. 10-130. Lots.**

(a) **Generally.** Lots in major subdivisions shall comply with the requirements of this section.

(b) **Lot arrangement.** The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

(c) **Minimum lot size.** The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. In any case where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas

established by the health officer after appropriate water percolation tests have been performed, which dimensions may be greater than required under the zoning regulations. Where any doubt exists regarding suitability of a lot for septic systems, a field replacement area shall be designated for use in case of disposal field failure.

(d) **Remnants.** Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract shall be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

(e) **Ratio of width to depth.** Excessive lot depths in relation to lot width shall be avoided. Except for unusual topographic conditions, a ratio of depth to width of two to one shall be considered a desirable maximum.

(f) **Flag lots.** Every lot shall abut upon, and have access to, a public street or road as herein defined. Where so-called "flag lots" or "panhandle lots" are utilized to provide common access points and minimize street construction, the number of adjacent and parallel narrow lot sections or accessways shall be limited to no more than two (2) so as not to create an unreasonable potential for confusion and dispute with respect to boundary locations. The length of such accessways shall be related to proposed lot size but generally shall be limited to no more than one thousand two hundred (1,200) feet. Width of accessways shall not at any point be less than required minimum street frontage.

(g) **Double frontage and reverse frontage lots.** Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from highway traffic.

(h) **Increased lot depth and building setback.** Residential lots fronting or abutting on primary or secondary highways or arterial thoroughfares shall desirably have extra lot depths and deeper building setbacks as required by the zoning ordinance.

(i) **Intersection of lot lines.** Generally, side lot lines shall be approximately at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.

(j) **Separate ownership.** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and where the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. The deed shall be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and both shall then be

recorded together.

(k) **Corner lots.** Corner lots shall have extra width sufficient for maintenance of required setback lines on both streets.

(l) **Shape.** Lot arrangement, design and shape shall be reasonably related to topography, and shall not contain normally unusable elongations for the sole purpose of providing required minimum lot size, or to provide road frontage.

(m) **Lot suitability.** The agent shall require that data from soil evaluations performed by professional soil scientists on each lot in accordance with requirements of the state board of health sewage handling and disposal regulations be submitted for subdivisions dependent upon

septic tanks as a means of sewage disposal, in order to ensure that the lots are generally suitable for septic tanks.

(n) **Lot frontage restriction.** No residential lot shall be platted in a major subdivision which has its primary frontage on U.S. Highway 360 nor shall any such subdivision lot be platted within a distance of three (3) miles of Route 360 on State Highway 30.

(Ord. of 6-12-85, § 7.3-B; Ord. of 2-26-87, § 2)

**Sec. 10-131. Blocks.**

- (a) **Generally.** Design and layout of blocks shall be governed by this section.
- (b) **Length.** Residential lots shall normally not exceed one thousand two hundred (1,200) feet in length, or be less than four hundred (400) feet in length, between street lines. In any residential block more than eight hundred (800) feet in length, a crosswalkway of not less than ten (10) feet in width may be required where necessary to provide convenient access to schools, recreation areas and other community facilities.
- (c) **Width.** Blocks shall be wide enough to accommodate two (2) tiers, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- (d) **Commercial and industrial blocks.** Blocks for businesses or industrial use shall be of such length and width as may be necessary to serve their prospective use, including adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
- (e) **Irregular blocks.** Irregular shaped blocks indented by cul-de-sacs or looped streets, and containing interior parks or playgrounds, will be acceptable when properly designed and where provision is made for adequate parking and for the maintenance of the public or common-use recreation area.

(Ord. of 6-12-85, § 7.3-C)

**Sec. 10-132. Easements.**

- (a) **Generally.** The provisions of this section shall govern the platting and use of easements.
- (b) **Easements required.** Where alleys are not provided in appropriate locations,

easements of not less than fifteen (15) feet in width shall be provided where necessary to meet



public utility requirements. Easements of greater width may be required along lots or access lots where necessary for the extension of trunk sewers or other primary utility lines.

- (c) **Drainage easements.** Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways, in accordance with the standards established by the county.
- (d) **Utility easements.** Utility easements in private rights-of-way or in common-use recreation areas may be permitted by the agent provided design considerations of the proposed subdivision warrant such easements. Necessary franchise and utility construction permits shall be obtained from the state department of transportation for utilities with public right-of-way.
- (e) **Buildings in easements prohibited.** No building or structure shall be constructed on any easement without the authorization of the board of supervisors or other appropriate agencies.
- (f) **Utilities.** All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided, or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

(Ord. of 6-12-85, § 7.3-D)

#### **Sec. 10-133. Monuments.**

- (a) **Permanent reference monuments,** of stone or reinforced concrete and at least thirty-six (36) inches in length and four (4) inches square with suitable center point, shall be set flush with the finished grade at such locations as may be required by the agent. Generally such monuments shall be more or less evenly spaced around the perimeter and shall be located in each corner and at all street corners, at all points where street lines intersect exterior boundaries and at angle points and points of curvature and tangency in each street.
- (b) **Monuments of metal pipe,** three-fourths of an inch in diameter or solid metal rod one-half inch or more in diameter and at least twenty-four (24) inches in length, shall be set in place flush with the finished grade at all intersections of streets and alleys, at all points on streets, alleys and boundary lines where there is a change in direction or curvature, and at all lot corners.
- (c) **Upon completion of subdivision streets, sewers and other improvements,** the subdivider shall make certain that all monuments required by the agent are clearly visible for

inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the county.

- (d) Any person, developer, builder, firm or corporation shall take the necessary precautions to protect all monuments and metal markers during construction. Any monument which is moved or destroyed shall be immediately reported to the agent and shall be replaced as directed.

(Ord. of 6-12-85, § 7.3-E)

**Sec. 10-134. Drainage facilities.**

The subdivision shall be provided with such storm drains, culverts, drainways or other works as are necessary to collect and dispose of surface water and stormwater originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots and buildings.

(Ord. of 6-12-85, § 7.3-F)

**Sec. 10.135. Community water supply and sewage disposal.**

In a major subdivision with twenty-five (25) or more lots, or a major subdivision with fifteen (15) or more lots in which a majority of lots are under (3) acres in area, the subdivider shall install a properly designed water supply system, provided that any such system shall meet the requirements of the Virginia Water Control Board, State Department of Health, and any other state federal or local agencies having authority over such systems. Community sewage treatment systems may be constructed by the subdivider if approved as a conditional use permit pursuant to section 10-256 (16).

(Ord. of 6-12-85. § 7.3-G; of 4-20-89)

**Sec. 10.136. On-site water supply and sewage disposal.**

The agent shall not approve any major subdivision in which a community sewage collection and treatment system is not provided unless a written statement is received from the health official, after review of the professional soil scientist's report required by section 10-130(m), to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks or other approved method of on-site sewage disposal.

Approval of any proposed subdivision in which sewage disposal will be on-site may be granted only with the understanding that on-site sewage disposal systems must be approved on an individual lot basis by the health official.

(Ord. of 6-12-85, § 7.3-H)

**Sec. 10-137. Platting requirements and procedures generally.**

Sections 10-138 through 10-143 shall govern the preparation, submission and approval of plats and plans for major subdivisions.

(Ord. of 6-12-85, § 7.4)

**Sec. 10-138. Sketch plan.**

It is recommended, but not required, that the subdivider submit to the agent a preliminary sketch plan of the proposed subdivision prior to preparation of engineered preliminary and final plats. The purpose of such preliminary sketch plan is to permit the agent to advise the subdivider whether his plans are in general accord with the requirements of this article. The agent, upon submission of any preliminary sketch, shall study same and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch plan indicating necessary changes and any such marked sketch shall accompany the preliminary plat.

(Ord. of 6-12-85, § 7.4-A)

**Sec. 10-139. Preliminary plat.**

- (a) **Required.** Whenever a subdivision is proposed to be made, and before any sale or contract for sale or any construction work, including grading, is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall cause a preliminary plat to be prepared together with improvement plans and other supplementary materials as required herein. The preliminary plat shall comply fully with the health, zoning and other applicable ordinances in effect at the time the plat is submitted for tentative approval.
- (b) **Application for tentative approval.** Four (4) copies, or more if necessary, of the preliminary plat together with an equal number of copies of improvement plans for roads, water, sewers and other utilities and other supplementary material shall be submitted to the agent with written application for tentative approval. Two (2) copies of the professional soil scientist's report required by section 10-130(m) shall also accompany the application for tentative approval.
- (c) **Preliminary plat details.** The preliminary plat shall show the following information:

- (1) Subdivision name and location and name of person or firm preparing the plat;
- (2) The name and address of the record owner of the land proposed to be subdivided; the source of title with deed book references; and the owner or proprietor of the subdivision and the surveyor;
- (3) The location and names of adjoining subdivisions or names of the owners of adjoining parcels of land, establishing the boundary lines of the tract to be subdivided;
- (4) The location, width and names of all existing or platted streets or public ways within or adjacent to the subdivision for a distance of at least three hundred (300) feet and the location, width and names of all proposed streets, and location and width of proposed alleys within the proposed subdivision. Except for extension of existing streets, street names shall not duplicate nor closely resemble existing street names in the county;
- (5) The location, width and purpose of other right-of-way and easements and the location of all setback lines, whether or not controlled by zoning regulations;
- (6) The location of existing physical features, including existing buildings, to assist in identifying and studying the plat, wooded areas, watercourses, wetlands or any other significant natural or manmade physical features affecting the proposed subdivision. For waterfront property or property abutting a wetland, swamp or marsh as best it can be defined, the top of bank or bluff, toe of slope, and height of bank or bluff;
- (7) The boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of the occupants of lots in the subdivision, or otherwise reserved with a statement of the purpose for which such covenant or reservation is made or such use is restricted or limited;
- (8) General indication of plans for drainage and utilities;
- (9) The layout, lot lines, lot numbers and block letters and approximate dimensions of proposed lots;
- (10) The proposed use of the property to be subdivided and the zoning of same and the land adjacent to the tract;

- (11) Scale, north arrow (true meridian where practicable) and date. The agent may approve a modification of scale for a large subdivision;
- (12) A vicinity or location map in the form of an inset map made to the scale of six hundred (600) feet to the inch showing the relationship of the proposed subdivision to existing community facilities which serve or influence it, and including subdivision name and location, main roads and streets, schools, parks and playgrounds, scale, north arrow and date.

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the agent.

In all subdivisions where it is economically or technically practical to do so, the subdivider shall protect and preserve physical features such as large trees, natural growth, watercourses, scenic points, historic places, topsoil and other similar community assets that will add attractiveness and value to the property if preserved. Such features to be protected and preserved shall be delineated on the preliminary plat and keyed to an appropriate brief statement of intent to be set forth thereon.

Where the subdivision design is such that certain open spaces or other spaces or features are to be reserved for the common use of occupants or where private streets are proposed, the agent may require, subject to approval by the county attorney, that suitable measures be taken for permanent maintenance of such spaces, features or streets, including establishment of a homeowners association if appropriate to the facts of a particular case.

- (d) Transmittal of plat and plans. Upon receipt of the preliminary plat and plans, the agent shall transmit one (1) set to the commission, one (1) set to the health official and one (1) set to the resident engineer. The commission, health official and resident engineer shall review and either approve or disapprove the plat and plans in an expeditious manner and shall notify the agent in writing of such action. In the case of disapproval, the subdivider shall notify the subdivider in writing of action taken by the commission, health official and resident engineer.
- (e) The meaning of "tentative approval." Tentative approval of a preliminary plat shall not constitute approval of the final plat or any guarantee of such approval. It shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. No property shall be transferred or offered for sale nor shall a building permit be issued on the basis of an approved preliminary plat. The final plat will be submitted for approval of the agent for recording when the requirements of these regulations have been complied with. Approval of a preliminary plat shall be valid for six (6) months unless extended by the agent for one (1) additional period not to exceed one (1) year upon written application therefor.
- (f) Coordination with site plan review. Where a proposed subdivision accompanies and is a part of a development for which site plan approval is required under the zoning ordinance, the subdivision plat and the site plan will be reviewed at the same time as nearly as possible under the

requirements of these regulations.

(Ord. of 6-12-85, § 7.4-B)

**Sec. 10-140. Construction plans.**

Following conditional approval of the preliminary plat by the agent, the subdivider shall, if he has not previously done so, submit two (2) blue or black line prints or copies of construction plans for improvements to be installed in accordance with the provisions of this article and prepared by a registered professional engineer authorized to do business in the state, as follows:

- (1) Profiles along the center and both sides of each street, with tentative construction grades indicated, shall be shown on a standard profile sheet at a vertical scale of one (1) inch equals ten (10) feet and a horizontal scale of one (1) inch equals one hundred (100) feet unless otherwise permitted by the agent, and all elevations shall be at mean sea level;
- (2) The proposed water supply, if any, and plan of water distribution system showing existing water mains, pipe sizes, location of valves and fire hydrants, or other system of water supply;
- (3) The proposed method of sewage disposal and plans and profiles of proposed sanitary sewers, if any, including existing sewers within the proposed subdivision and immediately adjacent thereto on a standard profile sheet and plan sheet at a vertical scale of one (1) inch equals ten (10) feet and a horizontal scale of one (1) inch equals one hundred (100) feet unless otherwise permitted by the agent, with grades and sizes indicated, or method of sanitary sewage disposal in lieu of sanitary sewers;
- (4) Plans of storm sewers or other methods of disposal of stormwaters shall be submitted in the same manner as outlined in paragraph (3) above;
- (5) Plan of the proposed street lighting system, if any, showing locations, type, wattage, height, etc;
- (6) Plan of the proposed tree planting, if any, showing location, kind, etc.

(Ord. of 6-12-85. § 7.4-C)

**Sec. 10-141. Improvements to be installed prior to approval of final plat.**

Prior to the filing with the agent of a final plat for approval, all improvements required under these regulations shall be completed, or provisions made therefor, in accordance with the provisions of this division and the design standards and specifications for roads, street drainage, water and sewer construction and improvements in the county, in one (1) of the following methods:

- (1) Installation and completion by and at the cost of the subdivider;
- (2) The furnishing by the subdivider to the agent of a certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the county attorney and sufficient to cover the cost of all improvements required to be installed by the subdivider as estimated by the agent to guarantee the installation and completion of such improvements; or
- (3) The furnishing by the subdivider to the agent of evidence of the existence of the existence of agreements between the subdivider and qualified contractors for the installation and completion of the improvements and the contractor's performance bond with surety for the benefit of the county and subdivider, and satisfactory to the county attorney, in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the agent.

If the subdivider elects to proceed by method (2) or (3) as outlined above, the subdivider shall set a time, subject to the approval of the agent, by which it is estimated the improvements will be installed and completed. Unless an extension of that time is approved by the agent and a new estimated date of completion established, the agent shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the security of the bond.

(Ord. of 6-12-85, § 7.4-D)

**Sec. 10-142. Certification upon completion of improvements.**

- (a) Upon the completion of the installation of all improvements, the subdivider shall furnish a statement, approved by the agent and prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this article, and the plans as approved by the agent. If the subdivider has, in the opinion of the agent, just cause for not completing the improvements in the entire subdivision where either a certified check or surety bond or performance bond has been posted, the agent may release the subdivision provided the subdivider furnishes a statement by a certified surveyor or engineer to the effect that all construction



which has been completed conforms to the regulations and requirements of this article and the plans as approved by the agent; and provided further, that the subdivider has furnished satisfactory evidence that the undeveloped portion of the subdivision has been vacated by proper authority.

- (b) Within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed by this article, the agent shall either grant a periodic partial or final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section, or notify the subdivider or developer in writing of nonreceipt of approval by applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures. If no such action is taken by the agent within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail, return receipt, to the county administrator. The agent shall act within ten (10) working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider or developer. The agent shall not refuse to make a periodic partial or final complete release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter of credit or other performance guarantee.
- (c) Upon written request by the subdivider or developer, the agent shall be required to make periodic partial releases of such bond, escrow, letter of credit or other performance guarantee in a cumulative amount equal to eighty (80) percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the agent or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee, or after completion of more than eighty (80) percent of such facilities. The agent shall not execute more than three (3) periodic partial releases in any twelve-month period. Upon final completion and acceptance of such facilities, the agent shall release any remaining bond, escrow, letter of credit or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" is deemed to mean when such public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

- (d) For the purposes of this section, a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to section 54-17.1 of the Code of Virginia or from a department or agency designated by the agent may be accepted without requiring further inspection of such facilities.

(Ord. of 6-12-85, § 7.4-E; Ord. of 9-24-85, § 4)

**Sec. 10-143. Final plat.**

- (a) Generally. When the provisions of sections 10-141 and 10-142 have been complied with, the subdivider shall file with the agent the final plat for all of the subdivision or for that portion being developed at the time, in accordance with the requirements of these regulations in order to secure the final approval of the plat by the agent. The final plat shall conform to the preliminary plat as approved. The subdivider may record as a final plat only that portion of the approved preliminary plat which he proposed to develop immediately, in all cases subject to requirements of the zoning ordinance.
- (b) Final plat details. The subdivider shall submit to the agent an original and five (5) black or blue line prints of the final subdivision plat prepared by a registered professional engineer or registered land surveyor authorized to do business in the state, the original of which shall be clearly and legibly drawn in black India ink on a sheet sixteen (16) by twenty-four (24) inches, including a margin of one-half inch outside ruled borderlines at bottom and right sides, and one and one-half (1½) inch for binding on the left sixteen-inch end and at the top of the sheet. The plat shall have a scale of one hundred (100) feet to the inch and shall clearly show the following:
  - (1) The title of the plat shall be included within a space four (4) inches high and six (6) inches wide in the lower right-hand corner of the plat. The data therein shall be confined to the following: name and subdivision with designation of section if only a portion of the approved preliminary plat is being developed, the county and magisterial district applicable, date, scale and the registered surveyor or engineer who prepared the plat. The name of the subdivision shall be in bolder type than the rest of the title;
  - (2) The name of the record owner of the land being subdivided and the name of the subdivider;
  - (3) The boundaries of the subdivision showing the length of its courses and distances to one hundredths of a foot and bearings to half minutes, having been determined by an accurate survey thereof in the field, which

shall close with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet. The names and locations of adjoining subdivisions or the names of the owners of parcels of land that may be unsubdivided;

- (4) Accurate coordinates of selected or monumented points. Any error of closure permissible in paragraph (b)(3) above shall be adjusted before computation of coordinates;
- (5) The exact location, alignment, arrangement and width along property lines of all streets, whether opened or not, intersecting or paralleling the boundaries of the subdivision;
- (6) The exact location and material of all permanent reference monuments;
- (7) The exact location, alignment, or arrangement of streets and alley lines in the subdivision, the names of all streets, the bearing, angles of intersection and width thereof, including their width along the line of any obliquely intersecting street;
- (8) The lengths of arcs and radii and tangent bearings;
- (9) The exact location, alignment or arrangements of all easements provided for use by public service corporations, with a statement of any restrictions or limitations placed on such use;
- (10) The exact location, alignment or arrangement of all lot lines with their dimensions expressed in feet and hundredths of a foot and with their bearings or angles to half minutes;
- (11) The tangent distances of all corners when rounded at intersections, except in cases where streets intersect at right angles;
- (12) All lots shall be numbered with consecutive Arabic numerals in each block, and all blocks shall be lettered in consecutive alphabetical order. In case of a resubdivision of lots in any block, the lots shall be numbered with consecutive Arabic numerals, beginning with the numeral following the highest lot numeral in the block;
- (13) The exact boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of all owners of lots in the subdivision or otherwise reserved, with a statement of the purpose to which such covenant or reservation is made

or such use is restricted or limited;

- (14) The location of front yard setback lines whether or not controlled by county zoning ordinances;
  - (15) The north point with magnetic bearing or if true meridian is shown the basis of its determination shall be stated;
  - (16) A certificate of the engineer or surveyor who prepared the plat certifying that the plat represents and is based on a survey made by him or under his direction and supervision; that all monuments shown thereon are actually in place or will be put in place before a date specified by him; that their location and character are truly shown on the plat; and that all of the provisions and requirements of this article have been observed and fully complied with;
  - (17) A statement to the effect that the subdivision as it appears on the plat, including the dedication of all streets, alleys, easements and other land for public purposes and use is with the free consent and in accordance with the desire of the subdivider and of the trustee or mortgagee, or each of them if more than one (1), in any deed or other instrumentality, if any, creating a lien on the land in the subdivision, or any part thereof, which shall be signed by the subdivider and trustee or mortgagee, and shall be duly acknowledged before some officer, authorized to take acknowledgements to deeds. All cloth prints and transparent copies shall contain such signatures (see section 10-177);
  - (18) A certificate signed by the surveyor or engineer who prepared the plat setting forth the source of title of the owner of the land subdivided and the court in which the last conveyance or source of title is recorded. When the land in the subdivision was acquired by the subdivider from more than one (1) source of title, the land acquired from each source shall be indicated on the plat (see § 10-176);
  - (19) Vicinity map drawn to a scale of six hundred (600) feet to the inch.
- (c) Application; approval or disapproval. Copies of the final plat and other exhibits required for approval showing all or any part of a subdivision planned for immediate development shall be prepared as specified herein and shall be submitted to the agent within six (6) months after tentative approval of the preliminary plat, otherwise such tentative approval shall become null and void unless an extension of time is applied for and granted by the agent. The agent shall act on the final plat within sixty (60) days after it has been officially submitted for approval by either

approving or disapproving such plat in writing, and giving with the latter specific reasons therefor. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat. If the agent fails to approve or disapprove the plat within sixty (60) days, the subdivider, after ten (10) days' written notice to the agent, may petition the circuit court of the county to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter such order with respect thereto as it deems proper, which may include directing approval of the plat. In no case shall the agent give approval for recording a number of lots than permitted under the zoning ordinance.

- (d) Recording final plat. After the agent has approved the final plat, the subdivider shall file such plat for recordation in the clerk's office of the circuit court of the county within sixty (60) days after approval thereof; otherwise such approval shall become null and void.

(Ord. of 6-12-85, § 7.4-F)

**Secs. 10-144 - 10-155. Reserved.**

**DIVISION 8. VACATION OF PLATS**

**Sec. 10-156. Before sale of lot.**

An approved and recorded plat of subdivision, or part thereof, may be vacated prior to the sale of any lot therein by utilizing the procedures set forth in section 15.1-481 of the Code of Virginia.

(Ord. of 6-12-85, § 8.1)

**Sec. 10-157. After sale of lot.**

An approved and recorded plat of subdivision, or part thereof, may be vacated after the sale of any lot by utilizing one (1) of the two (2) methods specified in section 15.1-482 of the Code of Virginia.

(Ord. of 6-12-85, § 8.2)

**Sec. 10-158. Duty of clerk.**

When a recorded plat, or any part thereof, has been vacated, the clerk of the county circuit court shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

(Ord. of 6-12-85, § 8.3)

**Sec. 10-159. Fees.**

The board shall establish a fee, not exceeding one hundred fifty dollars (\$150.00), for processing an application for vacation of plat.

(Ord. of 6-12-85, § 8.4)

**Secs. 10-160 - 10-175. Reserved.**

## DIVISION 9. FORMS

## Sec. 10-176. Surveyor's certificate.

Surveyors' certificates shall be in the following form:

## SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my knowledge and belief, all of the requirements of the King William County Subdivision Ordinance have been complied with.

Title to the land being subdivided as shown on this plat rests with \_\_\_\_\_  
\_\_\_\_\_ having been conveyed by deed of transfer dated \_\_\_\_\_, 19\_\_\_\_, and recorded in the office of the Clerk of the Circuit Court of King William County in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Certified Professional Engineer or Land Surveyor

Note: All information required to complete the surveyor's certificate shall be inserted by the engineer or land surveyor who prepares the plat.

(Ord. of 6-12-85, App. A)

## Sec. 10-177. Owner's consent and dedication.

Owner's consent and dedications shall be in the following form:

## OWNER'S CONSENT AND DEDICATION

The platting or dedication of the land shown on this plat, containing \_\_\_\_\_  
\_ acres, more or less, designated as \_\_\_\_\_ Subdivision situated in the \_\_\_\_\_  
\_ District of King William County, Virginia, and described as Section \_\_\_\_\_,  
Parcel(s) \_\_\_\_\_ on the King William County Tax Maps, is with the free consent  
and in accordance with the desire of the undersigned owners, proprietors, and  
trustees, if any.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(SEAL)  
(SEAL)  
(SEAL)

(Ord. of 6-12-85, App. B) \_\_\_\_\_ (SEAL)

**Sec. 10-178. Certificate of approval.**

Certificates of approval shall be in the following form:

**CERTIFICATE OF APPROVAL**

This subdivision known as \_\_\_\_\_ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____ Date	_____ (Signed) Highway Engineer
_____ Date	_____ (Signed) Health Officer
_____ Date	_____ (Signed) Agent or Representative of the Governing Body

(Ord. of 6-12-85, App. C)

**Secs. 10-179 - 10-190. Reserved.**



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